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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,409	09/29/2003	Akihiro Koga	243413US2SRD	9141

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EXAMINER

BEN, LOHA

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	-10/672,409-	KOGA ET AL.	
	Examiner	Art Unit	
	LOHA BEN	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.



Loha Ben
Primary Examiner

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0204</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION**Minor informalities noted in the specification**

Page 10: line 7, "an" should be – a --; line 10, numeral "40" is not seen illustrated in the drawings; and line 14, the optical direction "C" is also not seen illustrated in the drawings.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 2: line 7, it is not certain what "surfaces" applicants are referring to.

In claim 1: lines 7 and 8, 14, 20, and 27 of page 35, "the electrodes" has **no definite** antecedent basis. Further, It is not clear whether "the holding electrodes" recited on lines 13 and 26 of page 35 are the same as "the electrodes of the holding electrode unit" recited on 23 and 24 of page 34, and on lines 6 and 7, and 19 and 20 of page 35. This inconsistent language creates an uncertainty.

In claim 2: Similar situation as above (in claim 1) is noted with respect to the phrase "the electrodes" which has **no definite** antecedent basis (see lines 8 and 9, 15, and 21 of page 37, and line 1 of page 38); and with respect to the

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inconsistent language which creates an uncertainty (see lines 24 and 25 of page 36; lines 14, 16 and 17, 20 and 21, and 27 of page 37; and lines 2 and 3 of page 38).

In claim 3: Similar situation as above (in claims 1 and 2) is noted with respect to the phrase “the electrodes” which has **no definite** antecedent basis (see lines 13 and 14, 19, and 26 of page 38; and lines 5 and 6 of page 39); and with respect to the inconsistent language which creates an uncertainty (see page 38, lines 19, 21 and 22, and 25 and 26; and page 39, lines 5, and 7 and 8). And further, on page 38, lines 11 and 12, “the electrodes”(the word “electrodes” appears in two places on line 12) has no antecedent basis; and page 39, line 9, “the stationary part” has no antecedent basis.

In claim 4: Similar situation as in claim 3 is noted with respect to “the electrodes” which has **no definite** antecedent basis (see page 40, lines 5 and 6, 11, 18, and 24 and 25); and with respect to the inconsistent language which creates an uncertainty (see page 40, lines 4 and 5, 11, 13 and 14, 17 and 18, 24, and 26 and 27. Further, on page 40, lines 3 and 4, “the electrodes”(the word “electrodes” appears in two places on line 4) has no antecedent basis; and on page 41, line 1, “the stationary part” has no antecedent basis.

Allowable Subject Matter

Claims 1-4 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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The allowable subject matter of the present invention centers on four sequential operations of a cycle controlled by a drive control circuit in a zoom lens unit to generate movement of first and second movable parts relative to a stationary part of the unit under cooperative interaction between electrodes formed on the movable parts, on driving electrode substrate, and on holding electrode unit, in which the drive control circuit sequentially energizes groups of electrodes of the driving electrode substrate and selectively energizes the electrodes of the holding electrode unit, and in which the drive control circuit carries out a cycle at least once while at least one of the first and second movable parts moves one pitch of an electrode of the groups of electrodes when the first and second movable parts are moved in different direction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loha Ben whose telephone number is (571) 272-2323. The examiner can normally be reached on Monday to Saturday, generally between 12:00 noon and 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps, can be reached on Monday to Friday, at (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 23, 2004



Loha Ben
Primary Examiner